

## Town Council Meeting: 08 October 2007



Town of Garrett Park  
PO Box 84  
4600 Waverly Avenue  
Garrett Park, MD 20896

Regular Meeting of Town Council  
Garrett Park Town Hall  
10814 Kenilworth Avenue  
Garrett Park, MD 20896

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### MINUTES

**Council Work Session:** 6:30 PM: The Mayor and Council met with officials from the Maryland Municipal League (MML) over a light supper. The MML officials briefed the Mayor and Council on MML activities and services.

**Call to Order:** Mayor Shawaker called the regular meeting to order at 8:05 PM. Present were Councilmembers Berry, Hansen, Irons, Mandel, and Wegner. Also present was Administrator Pratt and a number of Town residents

**Approval of Agenda:** Councilmember Hansen asked that the discussion of employee benefits be rescheduled for the November meeting. Councilmember Wegner **MOVED**

That the revised agenda be adopted. The motion was seconded by Councilmember Hansen and **PASSED** unanimously.

#### **Presentations:**

- Garrett Park Elementary School Education Foundation - Barbara Ferry and 4<sup>th</sup> grade teacher Don Vogel made a presentation to the Council on the goals and objectives of the Foundation in support of the Garrett Park Elementary School. They noted that the foundation was a properly constituted 501-c3 organization under IRS regulations, and was able to receive tax-deductible donations.

#### **Committee Reports:**

- Councilmember Irons introduced Historic Preservation Committee (HPC) member Nancy Schwartz who briefed the Council on the historical significance of the Garrett Park Nursery School and the Garrett Park Estates Recreational Center in which the school was housed. Ms. Schwartz noted that the County was aware of some of the building's history, but was not fully appreciative of its local importance. Councilmember Irons stated that the HPC was working with Town Archivist Barbara Shidler to provide the County with as complete a file on the building's special relationship with the Town and its residents over the last half century.

**Mayor's Report:**

- The Mayor reported that she had met with Marilyn Praisner, President of the County Council to discuss the potential impacts of state budget cuts.
- Mayor Shawaker announced that on Tuesday, October 9<sup>th</sup>, a film crew would be in Town filming a public service announcement on bicycle safety.
- The Mayor reminded Councilmembers of the upcoming meeting with the Mayor and Council of Kensington on Monday, October 15<sup>th</sup>, at 8:00 PM in the Kensington Town Hall.
- The Mayor appointed Councilmember Hansen Acting Mayor from Thursday evening, October 11<sup>th</sup>, through Monday afternoon, October 15<sup>th</sup>.

**Councilmember's Reports on Areas of Responsibility:**

- Update on Street Rehabilitation Project – Councilmember Wegner reported that the street rehabilitation project had been put out to bid, and that the bid opening was to be Friday, October 26<sup>th</sup>, at 2:00 PM. After the opening, Councilmember Wegner will review the bids with Administrator Pratt and make a recommendation to the Council at its next meeting, possibly a special meeting called for that purpose.
- Update on Cambria Park Project – Councilmember Berry reported that the 95% bid plans had been received from VIEW Engineering, a copy of which was posted in the Post Office lobby for public review. The Parks and Open Space Committee chair, Gerilee Bennett, was also reviewing the plans, and Councilmember Berry noted that he would be providing copies to the abutting residents on Keswick Street so that they could be fully informed.
- BSO at Strathmore House Tour – Councilmember Irons reported that arrangements for the house tour of four homes in Garrett Park on October 19<sup>th</sup> and 20<sup>th</sup> were proceeding smoothly, and that she was making arrangements with the maintenance department to have a sign posted regarding the event –first at Penn Place and then at the Waverly/Kenilworth triangle.
- Arboretum Committee Tree Walk – Councilmember Hansen announced that the Arboretum Committee's annual tree walk would take place on Sunday, October 28<sup>th</sup>, stepping off from Penn Place at 1:00 PM. Councilmember Hansen also noted that the Arboretum Committee was working hard to develop strategies for raising awareness of the Arboretum among Town residents, as many new residents did not know much about its goals and objectives.
- Mayor Shawaker commended Office Assistant Elizabeth Henley and HPC Member Nancy Schwartz for their work on preparing a grant application to the Montgomery County Historic Preservation Commission for funds to support the development of a map depicting historic homes in Garrett Park.

**Approval of Minutes:** After a brief discussion, Councilmember Berry **MOVED**

That consideration the minutes of the 09/10/2007 Regular Council Meeting be tabled and taken up at the November meeting. The motion was seconded by Councilmember Wegner and **PASSED** unanimously.

**Action/Discussion:**

- Legal Issues Regarding the Impeachment Referendum – Mayor Shawaker noted that a letter had been sent to residents regarding the legal issues confronting the Council concerning the issue of holding a referendum on the impeachment of the President and Vice-president of the United States. (Attached to these minutes) Councilmember Wegner stated that while the letter was signed as being from the Mayor and Council, and that initial comments had been solicited from Councilmembers, the Council was not afforded the opportunity to comment on the final draft. There was extended discussion regarding what action the Council had actually taken during the September meeting, and what options were now open.
- Garrett Park Nursery School (GPNS) – Mayor Shawaker reported that County Councilmember and former Mayor Nancy Floreen had suggested that the Town consider taking ownership of the building that housed the GPNS. Councilmember Mandel announced that he, Nancy Schwartz, Bob Reinhardt, and Harry Gordon would be inspecting the building November 10<sup>th</sup>, and that copies of the County reports on the building were being distributed to the Council and to the GPNS board. Mayor Shawaker appointed Councilmember Mandel, Nancy Schwartz, Bob Reinhardt, and Harry Gordon to be a liaison with the GPNS and to report back to the Council on the buildings condition as soon as possible.
- Town Hall Fees – Mayor Shawaker distributed a proposed increase of some of the Town Hall rental fees (attached to these minutes), noting that while the buildings annual revenue covers direct costs, but does not cover the cost of Town personnel.

Councilmember Berry **MOVED**

That the Mayor's proposed new fee schedule be adopted with the addition with the addition of a \$550 fee for all non-resident rentals. The motion **FAILED** for lack of a second.

Councilmember Berry **MOVED**

That the Mayor's proposed fees be adopted as interim fees pending further review. The motion was seconded by Councilmember Irons, and **PASSED** unanimously.

- Budget Transfers – Administrator Pratt referred the Council to the proposed transfers within the FY 2008 budget resulting from the need to purchase a water trailer, explaining that because these were new expenditures he felt it better to deal with the transfers now and not wait until the usual adjustments made to current year budgets in January or February. Also, the recent final settlement of the Penn Place renovation general contractor's fee with Kfoury Construction left a deficit in the appropriation that needed to be corrected.

Councilmember Wegner **MOVED**

That \$500 be transferred from Operating Contingency (19000) to Parks (14600) to fully find the WSSC 4-inch hydrant meter fee, that \$2,500 be transferred from Capital Contingency (23900) to Capital Equipment (23150) to fund the purchase of a wood chipper enclosure for the F350 Ford pickup truck, and that \$1,682 be transferred from Capital Contingency (23900) to Capital Construction: Facilities (23210) to cover the existing

overdraft of that account. The motion was seconded by Councilmember Berry and was **PASSED** unanimously.

**Town Administrator Report:**

- Monthly Financial Report - Administrator Pratt reviewed the report with the Council.

**Adjournment:** The meeting adjourned at 10:30 PM

Respectfully submitted,

[ TOWN SEAL ]

Edwin Pratt, Jr., Clerk-Treasurer

02 October 2007

Dear Town Residents:

At the September Town Council meeting a petition with 104 signatures was presented to the Council requesting that the Council vote to send a resolution to the Clerk of the House of Representatives of the United States calling for the impeachment of the President and the Vice President. Nine residents spoke in favor of the proposed resolution and one resident asked that the Council hold a referendum on the issue.

A motion was made to support sending the resolution to our Congressional delegation. An amendment was then proposed striking the original motion, calling for a town referendum instead, the results of which would be sent to our Congressional delegation. The amendment to revise the original motion passed, but in reviewing the tape of the meeting we have found that no vote was taken on the amended motion, as required by Robert's Rules of Order. This oversight unfortunately was not noted by members of the Council, the Mayor, or the Town Clerk. As a result the motion itself died at the adjournment of the meeting.

Further research after the September meeting has led the Council to understand that it does not have the authority to call for a referendum on the issue of impeachment of the President and Vice President. Under state law and the Town Charter, referendums may only be held for Charter amendments or approval or disapproval of ordinances of the Town based on petitions with the signatures of 20% of the registered voters of the town.

We very much regret that this issue has taken so much time and energy from so many people and has led to so much division in our community. Please know that we were only trying to give each citizen a voice through a referendum, protected by the privacy of a vote, and regret that this is not possible. These matters are on the agenda for the next Council meeting to be held Monday, October 8<sup>th</sup>, at 8:00 PM in the Town Hall.

The Mayor and Town Council